

REMARKS

Prior to this Reply, Claims 1-58 were pending. Through this Reply, Claims 10, 21, 31, 39, 46, 47 and 50 have been amended. No claims have been added or cancelled. Accordingly, Claims 1-58 are now at issue in the present case.

I. Allowable Subject Matter

Applicants note, with thanks, that the Examiner has indicated that Claims 1-9, 11-20, 22-30, 32-38, 40-45 and 54-58 are allowable.

II. Amendments to the Specification

In the Office Action, the Examiner requested that the title of the invention be corrected. In response, Applicants have replaced the title of the invention, so that the title of the invention now reads "METHOD AND APPARATUS FOR SELECTING STORAGE CAPACITY OF DATA STORAGE MEDIA."

III. Rejections Under 35 U.S.C. § 112

The Examiner rejected Claims 10, 21, 31, 39 and 46-53 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In response, Applicants have amended Claims 10, 21, 31, 39, 46, 47 and 50 to further clarify such claims. In view of the amendments to such claims, Applicants believe that the Examiner's rejections under 35 U.S.C. § 112, second paragraph, have been overcome.

IV. Rejections Under 35 U.S.C. § 102(b)

The Examiner rejected Claims 47-49 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,216,655 to Hearn et al. (hereinafter “Hearn”). Rejection of Claims 47-49 under 35 U.S.C. § 102(b) as being anticipated by Hearn is respectfully traversed because Hearn (col. 9, lines 51-55, relied on by the Examiner) does not disclose all of the claimed limitations.

For example, with respect to independent Claim 47, as amended, Hearn does not disclose a data storage device comprising a head, a media surface, and a controller capable of providing signals to the head for reading and writing data on a portion of the media surface, at a predetermined track density, linear density, or error code level of data, one or more of which are determined by measuring and then comparing against metrics indicative of acceptable track density, linear density, or error code level of data, as required by Claim 47. In contrast, Hearn is directed to method for accessing information and managing defects in a disk storage device.

For at least the above reasons, Applicants believe that Claim 47, and the claims that depend therefrom, are patentably distinguishable from Hearn.

V. Additional Claim Fees

Fee Calculation Table

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	58	Minus	58	= 0	x \$18 =	\$ 0.00
Independent (37 CFR 1.16(b))	12	Minus	7	= 5	x \$86 =	\$ 430.00

As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for fifty-eight (58) total claims and for seven (7) independent claims. Accordingly, Applicants hereby authorize the Examiner to charge Deposit Account No. 50-2198 in the amount of \$430.00 for the presentation of five (5) independent claims in excess of seven (7).

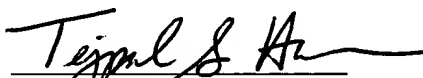
Applicants believe that no other fees are due. Nevertheless, the Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for any fees associated with filing this paper.

VI. Conclusion

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,



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